

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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MARK SOKOLOW, *et al.*,

Plaintiffs,

- against -

THE PALESTINE LIBERATION ORGANIZATION,
et al.,

Defendants.

Docket No:

04-CV-397 (GBD) (RLE)

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**DEFENDANTS' RESPONSE TO MOTION FOR LEAVE TO WITHDRAW
AS CO-COUNSEL OF RECORD FOR ALL PLAINTIFFS**

Defendants the Palestinian Authority ("PA") and the Palestine Liberation Organization ("PLO") hereby submit the following Response to the Motion for Leave to Withdraw as Co-counsel of Record for All Plaintiffs filed by David I. Schoen (DE 302).

Defendants have no objection to Mr. Schoen's withdrawal as co-counsel of record for the Plaintiffs in this case so long as that withdrawal does not impact the existing schedule in this matter. The comments in Mr. Schoen's Motion notwithstanding, fact discovery actually closed in this matter on December 21, 2012 under the terms of the operative Scheduling Order which was entered by Magistrate Judge Ellis on June 27, 2011. *See* DE 131 ¶ 3 ("Absent further order of the Court, fact discovery shall close on December 21, 2012."). Although Plaintiffs have filed a motion seeking an extension of the fact and expert discovery deadlines, *see* DE 267, no order of the Court has in fact modified the original deadlines for fact or expert discovery.

Thus, expert discovery is currently proceeding according to the following schedule:

4. Absent further order of the Court, expert discovery shall commence on December 21, 2012, and shall close on April 22, 2013.
 - a. Plaintiffs' Rule 26(a)(2)(A)-(C) Expert Disclosures and Reports will be due January 21, 2013, absent further order of the Court.
 - b. Defendants' Rule 26(a)(2)(A)-(C) Expert Disclosures and Reports will be due February 21, 2013, absent further order of the Court.
 - c. Plaintiffs' Rule 26(a)(2)(D)(ii) Rebuttal Expert Disclosures and Reports will be due March 22, 2013, absent further order of the Court.

DE 131 ¶ 4.

There is currently no deadline for filing summary judgment motions. *Id.* ¶ 12. Defense counsel had intended to propose May 22, 2013 as the deadline for summary judgment motions at the hearing that was set for 10:00 am today before Judge Daniels, but the hearing was not convened because Plaintiffs' counsel failed to appear. Defendants will shortly propose that deadline for the filing of summary judgment motions by separate letter to the Court.

Defendants do not believe that the withdrawal of Mr. Schoen would form a proper basis for any modification of the existing schedule, and therefore have no objection to the Court's granting of that Motion so long as the existing schedule does not change as a result.

WHEREFORE, Defendants respectfully request that the Court take such action on the Motion for Leave to Withdraw as Co-counsel of Record for All Plaintiffs as it deems just and proper, but that, in any event, the Court's ruling on that Motion not be allowed to delay the existing schedule for the conclusion of expert discovery in this matter.

January 17, 2012

Respectfully Submitted,

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